

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. CR-12-120-RMP-4

Plaintiff,

VS.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

TROY WAYNE DAVIS, a/k/a Troy W.
Davis

MOTION DENIED
(ECF No. 82)

Defendant.

Date of bail hearing: 11/20/2012

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that Defendant is a flight risk and a danger to the community based on the nature of the pending charge. Application of the presumption is appropriate in this case.
 - Defendant has a history of:
 - Failures to appear
 - Failures to comply
 - Defendant has few or no ties to the community.
 - Defendant has a significant criminal history.
 - Defendant has an outstanding warrant(s).
 - Defendant does not have a suitable residence.

ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION - 1

- 1 Defendant appears to suffer from chemical dependency.
- 2 The Grand Jury has found probable cause.
- 3 Other: History of assaultive behavior; representations in assessment by
4 Defendant to assessor (regarding chemical dependency matters) inconsistent with
5 Pretrial Services Report.
- 6 The court finds the Defendant is not supervisable.
- 7 By a preponderance of the evidence there are no conditions or combination
8 of conditions other than detention that will reasonably assure the appearance of
9 Defendant as required.
- 10 By clear and convincing evidence there are no conditions or combination of
11 conditions other than detention that will ensure the safety of the community.
- 12 Defendant is currently on probation/supervision resulting from a prior
13 offense.
- 14 Bureau of Immigration and Customs Enforcement Detainer.

15 **IT IS ORDERED:**

16 1. Defendant shall be held in detention pending disposition of this case
17 or until further order of the court. If Defendant waived a bail hearing, or should
18 circumstances change, Defendant may petition the court to reopen the detention
19 issue by written motion to amend and request for hearing, served upon the United
20 States Attorney.

21 2. Defendant is committed to the custody of the U.S. Marshal for
22 confinement separate, to the extent practicable, from persons awaiting or serving
23 sentences or being held in custody pending appeal.

24 3. Defendant shall be afforded reasonable opportunity for private
25 consultation with counsel.

26 4. If the Defendant seeks review of this Order pursuant to 18 U.S.C. §
27 3145(b), attorney for Defendant shall file a written motion for revocation or
28 amendment of this Order within ten (10) days before the district judge to whom

1 this case is assigned and note it for hearing at the earliest possible date. Both
2 parties are responsible to ensure the motion is determined promptly.

3 DATED November 20, 2012.
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5 S/ CYNTHIA IMBROGNO
6 UNITED STATES MAGISTRATE JUDGE
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